annexed to the realty becomes a part of it is greatly relaxed for the encouragement of trade, manufactures and transportation. *Oregon R. R. & Nav. Co.* v. *Mosier,* 14 Ore. 519. In determining what is a fixture the notion of physical attachment is exploded; it is now determined by the character of the act by which the structure is put into its place and the intention of those concerned. *Meig's Appeal,* 62 Pa. St. 28. Neither a prior nor subsequent mortgagee can claim as subject to the lien of his mortgage, chattels annexed to the realty, which it was the agreement of the owner of the fee and the owner of the chattels should remain personalty. *Tifft, et al.* v. *Horton et al.,* 53 N. Y. 377. So it has been held that where a third party has personal chattels or fixtures annexed to real property the purchaser, even without notice, cannot take them. *Russell* v. *Richards,* 10 Me. 429. Where a structure is affixed to the premises of another by a temporary occupant or a licensee, it is deemed temporary in its purpose and not part of the realty. *Young* v. *Chandler* 102 Me. 251, citing *Bewick et al. v. Fletcher,* 41 Mich, 625; *O'Donnell* v. *Burroughs,* 55 Minn. 91; *Andrews et al.* v. *Auditor, etc.,* 28 Grat. 115 Annexations with the consent of the owner or mortgagee of the realty, made by a bare licensee, are presumed to be removable and to remain the property of the one annexing, in the absence of facts indicating a contrary intention, even against a subsequent purchaser without notice. *Fischer et al.* v. *Johnson et al.,* 106 Iowa 181; *Sagar* v. *Eckert,* 3 Ill. App. 412. By agreement between the owner of personal property and the owner or mortgagee of the realty, personal property may retain its status after annexation. *Smith* v. *Odom,* 63 Ga. 499; *Marshall et al.* v. *Bacheldor,* 47 Kan. 442; *Handforth* v. *Jackson,* 150 Mass. 149. The principal case seems in accord with the weight of authority, but as there are few cases exactly on the point, the question appears to be still an open one.

HUSBAND AND WIFE—INVALID MARRIAGE—RIGHTS OF PUTATIVE WIFE.—Sayles Ann. St. 1897, art. 3353a, provides that causes of action upon which suit has been, or may hereafter be brought by the injured party for personal injuries, other than those resulting in death, shall not abate by his death, but shall survive in favor of the heirs and legal representatives of such injured party. Personal injuries, out of which an action for damages arose, were inflicted and action instituted but soon after the plaintiff died and the action was abandoned. The plaintiff in this action, believing herself to be the lawful wife of the deceased, commenced suit but upon learning of the existence of a former wife, filed an amendment asserting her rights as a putative wife. It was held that a woman, who in good faith married a man in ignorance of the fact that he had a wife living and lived with him until his death in ignorance of such fact, is entitled to enforce a cause of action for injuries to the man, which did not result in his death. *Ft. Worth & R. G. Ry. Co.* v. *Robertson et al.* (1909), — Tex. Civ. App. —, 121 S. W. 202.

This case seems to extend the rights of the putative wife beyond the doctrine of any of the courts which have heretofore passed upon the point, in that it allows her to recover on a cause of action, which accrued to the "husband" during the marital relation, entirely independent from her in-

terests as such putative wife. The court grounds its decision on the following authorities: *Barkley* v. *Dumke,* 99 Tex. 150, 87 S. W. 1147; *Morgan* v. *Morgan,* 1 Tex. Civ. App. 315, 21 S. W. 154; *Lawson* v. *Lawson,* 30 Tex. Civ. App. 43, 69 S. W. 246; *Allen* v. *Allen* (Tex. Civ. App.) 105 S. W. 54; *Chapman* v. *Chapman,* 16 Tex. Civ. App. 382, 41 S. W. 533. In all of these cases the property in question, and in which the putative wife was given an interest, was property which the putative wife had helped acquire by her own efforts, as was suggested in the dissenting opinion of Dunklin, J., in the principal case. The Texas courts, however, adopting the Spanish civil law, are united in allowing a putative wife a one-half interest in all property acquired by the joint efforts of the two as long as she is ignorant of the existence of the former marriage. Louisiana also seems to have adopted this civil law doctrine but a different rule obtains in the other states. A woman acquires no rights by a marriage with a man who has a wife still living and not divorced. *Drummond* v. *Irish,* 52 Iowa 41, 2 N. W. 622. A second marriage by one of the parties to a former marriage, both of whom are in full life, is not voidable but absolutely void. *Heffner* v. *Heffner,* 23 Pa. St. 104. A marriage between parties one of whom has a living spouse, is null and void. *Brown* v. *Brown,* 90 Miss. 410, 43 South. 178; *Miller* v. *Prelle,* 122 Ill. App. 380; *Zaharka* v. *Geith,* 129 Wis. 498, 109 N. W. 552.

INJUNCTION—"SECONDARY BOYCOTT" ENFORCED BY MORAL SUASION NOT ENJOINED.—An employer and a labor union being involved in a labor dispute, the union called a strike against the employer, patrolled his place of business and threatened certain of his customers that if they did not cease to patronize him the union would boycott them in their business. The employer having obtained a general injunction against the union, on appeal it is *Held,* the injunction should be modified to allow the union to threaten the customers with boycott. (SHAW, J., dissenting as to the modification.) *Pierce* v. *Stablemen's Union, Local No.* 8,760 *et al.,* (1909), — Cal. —, 103 Pac. 324.

The so-called "secondary boycott" is generally defined as "an attempt, by arousing a fear of loss, to coerce others against their will to withhold from one denominated unfriendly to labor their beneficial intercourse." *Beck* v. *Teamsters' Protective Union,* 118 Mich. 497, 42 L. R. A. 407, 77 N. W. 13; *Toledo &c. R. R. Co.* v. *Penn.,* 54 Fed. 730, 19 L. R. A. 387. It is over this "secondary boycott" that the courts have split in such decided conflict. Though recognizing that the federal courts generally, and that President Taft in McClure's Magazine for June, 1909, are emphatic in declaring such combinations oppressive and illegal, the Supreme Court of California advances what it believes to be the truer and more advanced ground, that the right to withdraw their custom being legal, the right to notify others of an intention to carry out such right is also legal, as was stated in the case of *Parkinson Co.* v. *Buildings' Trade Council,* 154 Cal. 581, 98 Pac. 1027. The courts in the cases of *Butterick Pub. Co.* v. *Typographical Union,* 50 Misc, 1., 100 N. Y. Supp. 292, and *Lindsay* v. *Montana Fed. of Labor,* 37 Mont. 264, 96 Pac. 127, have gone far to uphold the ground advanced by this court, but there were no actual threats in those cases, but merely a general publication. The court